

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vrtil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

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<http://www.jpml.uscourts.gov>

December 15, 2005

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: January 26, 2006

LOCATION OF HEARING SESSION: George C. Young United States Courthouse
Courtroom No. 1, Sixth Floor
80 North Hughey Avenue
Orlando, Florida 32801

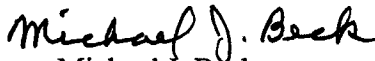
TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **January 9, 2006**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,


Michael J. Beck
Clerk of the Panel

c: Clerk, U.S. District Court for the Middle District of Florida

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

DEC. 15, 2005

MICHAEL J. BECK
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL
JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H.
VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL***

HEARING SESSION ORDER

IT IS ORDERED that on January 26, 2006, a hearing session will be held in Orlando, Florida, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
January 26, 2006 -- Orlando, Florida

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1598 -- In re Ephedra Products Liability Litigation

Oppositions of defendants American Drug Stores, Inc.; The Chemins Company, Inc.; Wal-Mart Stores, Inc.; Rite Aid Corporation; Costco Wholesale Corporation; Sam's West, Inc.; Metabolife International, Inc.; Alpine Health Products, LLC; Target Corporation; and Wal-Mart Stores Texas, LP to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Eastern District of Arkansas

Opal Jenkins v. Wal-Mart Stores, Inc., et al., Bky. Advy. No. 2:05-1265

Southern District of California

Linda Llewellyn, et al. v. Metabolife International, Inc., et al., Bky. Advy.
No. 3:05-90411

Dee Dee Friddle, et al. v. Metabolife International, Inc., Bky. Advy. No. 3:05-90412

Patricia Naugle v. Metabolife International, Inc., et al., Bky. Advy. No. 3:05-90413

Jacqueline Lee Brock, et al. v. Metabolife International, Inc., et al., Bky. Advy.
No. 3:05-90414

Wendy Davis v. Metabolife International, Inc., et al., Bky. Advy. No. 3:05-90415

Dennis Chaney v. Metabolife International, Inc., et al., Bky. Advy. No. 3:05-90416

Dora Morris, et al. v. Metabolife International, Inc., et al., Bky. Advy. No. 3:05-90417

Terrill Armbrister v. Metabolife, Inc., et al., Bky. Advy. No. 3:05-90421

Joann Maloney, et al. v. Chemins Co., Inc., et al., Bky. Advy. No. 3:05-90422

Carol Smith v. Metabolife International, Inc., et al., Bky. Advy. No. 3:05-90423

Barbara Bower v. Metabolife International, Inc., et al., Bky. Advy. No. 3:05-90424

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MDL-1598 (Continued)

Northern District of Illinois

Edward Foster, et al. v. Metabolife International, Inc., et al., C.A. No. 1:05-4759

Southern District of Illinois

John Paul Hawkins v. Metabolife International, Inc., et al., Bky. Advy. No. 3:05-3281

District of New Mexico

Emily Lujan v. Chemins Co., Inc., et al., Bky. Advy. No. 1:05-1212

Southern District of Ohio

Sherri Watters v. Metabolife International, Inc., et al., C.A. No. 1:05-444

Northern District of Texas

Philip Christopher Overstreet v. Metabolife International, Inc., et al.,
C.A. No. 3:05-1923

Southern District of Texas

Jason McMeekin v. Metabolife International, Inc., et al., C.A. No. 3:05-519

Western District of Texas

Leatrice J. Lewis v. Metabolife International, Inc., et al., C.A. No. 5:05-948

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MDL-1732 -- In re Lipitor Marketing and Sales Practices Litigation

Motion of plaintiffs Nilda Prohias, et al., for centralization of certain of the following actions in the United States District Court for the Southern District of Florida and motion of plaintiff Pennsylvania Employees Benefit Trust Fund for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

Southern District of Florida

Nilda Prohias, et al. v. Pfizer, Inc., C.A. No. 1:05-22658

District of Massachusetts

Teamsters Local No. 35 Health Plans, et al. v. Pfizer, Inc., C.A. No. 1:05-11956

Eastern District of Pennsylvania

Pennsylvania Employees Benefit Trust Fund v. Pfizer, Inc., C.A. No. 2:05-5433

MDL-1733 -- In re Teflon Products Liability Litigation

Motion of plaintiffs Natalie Belmonte, et al., for centralization of the following actions in the United States District Court for the Southern District of Florida:

Central District of California

Lisa Howe, et al. E.I. DuPont De Nemours & Co., C.A. No. 2:05-5488

Southern District of California

Jennifer Hardee v. E.I. DuPont De Nemours & Co., C.A. No. 3:05-1522

District of Colorado

Susan R. Yoshioka, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 1:05-1440

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MDL-1733 (Continued)

Southern District of Florida

Natalie Belmonte, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 1:05-21921

Northern District of Illinois

Sheldon B. Lyke, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 1:05-4168

Southern District of Iowa

Janet R. Luett, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 4:05-422

District of Massachusetts

Judy Levin v. E.I. DuPont De Nemours & Co., C.A. No. 1:05-11618

Eastern District of Michigan

Constance A. Webb v. E.I. DuPont De Nemours & Co., C.A. No. 2:05-72923

Eastern District of Missouri

Heath Hutchison, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 4:05-1234

Southern District of New York

Rosemarie Compitello, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 1:05-6749

Northern District of Ohio

Susan E. Schnur v. E.I. DuPont De Nemours & Co., C.A. No. 1:05-1818

Eastern District of Pennsylvania

Kathleen Margay, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 2:05-4049

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MDL-1733 (Continued)

District of South Carolina

Melissa Lee Urch, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 7:05-2438

Southern District of Texas

Jerry Syntych, et al. v. E.I. DuPont De Nemours & Co., C.A. No. 4:05-2530

MDL-1735 -- In re Wal-Mart Wage and Hour Employment Practices Litigation

Motion of plaintiff Nancy Hall for centralization of the following actions in the United States District Court for the District of Nevada:

District of Alaska

John McFarlin v. Wal-Mart Stores, Inc., et al., C.A. No. 3:05-94

District of Delaware

Dora Jackson v. Wal-Mart Stores, Inc., et al., C.A. No. 1:05-269

District of Hawaii

Tammy L. Poha, et al. v. Wal-Mart Stores, Inc., et al., C.A. No. 1:05-697

District of Idaho

Reginald Paul Jackson, et al. v. Wal-Mart Stores, Inc., et al., C.A. No. 1:05-424

District of Nevada

Nancy Hall v. Wal-Mart Stores, Inc., et al., C.A. No. 2:05-1099

District of South Dakota

John Luce v. Wal-Mart Stores, Inc., et al., C.A. No. 1:05-1019

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MDL-1736 -- In re Celexa and Lexapro Products Liability Litigation

Motion of defendants Forest Laboratories, Inc., and Forest Pharmaceuticals, Inc., for centralization of the following actions in the United States District Court for the Southern District of Mississippi:

District of Idaho

Dan Henrikson, etc. v. Forest Laboratories, Inc., C.A. No. 1:05-121

Northern District of Mississippi

Ella May Cross, et al. v. Forest Laboratories, Inc., C.A. No. 1:05-170

Southern District of Mississippi

Janice Kemp, etc. v. Forest Laboratories, Inc., et al., C.A. No. 3:04-704

District of New Jersey

Raymond P. Badya, etc. v. Forest Laboratories, Inc., C.A. No. 1:05-4711

Southern District of New York

William Manning, et al. v. Forest Laboratories, Inc., C.A. No. 1:05-6438

Terry Johns, etc. v. Forest Laboratories, Inc., C.A. No. 1:05-6439

Ashley Smith v. Forest Laboratories, Inc., C.A. No. 1:05-6941

Randy Cline, etc. v. Forest Laboratories, Inc., C.A. No. 1:05-7644

District of North Dakota

Michael S. Rust, et al. v. Forest Laboratories, Inc., et al., C.A. No. 4:05-80

Western District of Oklahoma

Annabel Dobbs, etc. v. Forest Laboratories, Inc., et al., C.A. No. 5:04-1762

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MDL-1736 (Continued)

District of South Carolina

Daniel Steubing, et al. v. Forest Laboratories, Inc., C.A. No. 2:05-1573

Western District of Washington

Lois Ilich, etc. v. Forest Laboratories, Inc., et al., C.A. No. 2:05-667

MDL-1737 -- In re American Honda Motor Co., Inc., Oil Filter Products Liability Litigation

Motion of defendant American Honda Motor Co., Inc., for centralization of the following actions in the United States District Court for the Central District of California:

Middle District of Florida

Walter Yasensky v. American Honda Motor Co., Inc., C.A. No. 8:05-1819

Northern District of Illinois

Hal Pilger v. American Honda Motor Co., Inc., C.A. No. 1:05-5277

District of Maryland

Richard Ammon v. American Honda Motor Co., Inc., C.A. No. 1:05-2703

District of Massachusetts

Pauline McDevitt v. American Honda Motor Co., Inc., C.A. No. 1:05-12101

Eastern District of Wisconsin

Scott Bonlender, et al. v. American Honda Motor Co., Inc., C.A. No. 2:05-1098

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MDL-1738 -- In re Vitamin C Antitrust Litigation

Motion of defendant Northeast Pharmaceutical Group Co., Ltd., for centralization of the following actions in the United States District Court for the Eastern District of New York:

Northern District of California

Linda Phillion, et al. v. Hebei Welcome Pharmaceutical Co., Ltd., et al.,
C.A. No. 3:05-4524

District of Massachusetts

Dennis Audette v. Hebei Welcome Pharmaceutical Co., Ltd., et al., C.A. No. 1:05-12224

Eastern District of New York

Animal Science Products, Inc., et al. v. Hebei Welcome Pharmaceutical Co., Ltd., et al.,
C.A. No. 1:05-453

MDL-1739 -- In re Grand Theft Auto Video Game Consumer Litigation (No. II)

Motion of plaintiffs Florence Cohen, Robert Samario, Cindy Casey, and Susan Carlson for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of Illinois

Brenda Stanhouse v. Take-Two Interactive Software, Inc., et al., C.A. No. 3:05-721

Southern District of New York

In re Grand Theft Auto Video Game Consumer Litigation, C.A. No. 1:05-6734
Robert Samario v. Take-Two Interactive Software, Inc., et al., C.A. No. 1:05-6767
Susan Carlson v. Take-Two Interactive Software, Inc., et al., C.A. No. 1:05-6907
Cindy Casey v. Take-Two Interactive Software, Inc., et al., C.A. No. 1:05-10013

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MDL-1740 -- In re Canon U.S.A., Inc., Digital Cameras Products Liability Litigation

Motion of defendant Canon U.S.A., Inc., for centralization of the following actions in the United States District Court for the Southern District of New York:

Central District of California

Wing Law v. Canon U.S.A., Inc., C.A. No. 2:05-7959

Southern District of New York

In re Canon Cameras Litigation, C.A. No. 1:05-7233

MDL-1741 -- In re Isolagen, Inc., Securities & Derivative Litigation

Motion of defendant Isolagen, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Pennsylvania

Ronald A. Gargiulo v. Isolagen, Inc., et al., C.A. No. 2:05-4983

Gregory Newman v. Isolagen, Inc., et al., C.A. No. 2:05-5090

Southern District of Texas

Elliot Liff, et al. v. Isolagen, Inc., et al., C.A. No. 4:05-2887

Michael Cummiskey v. Isolagen, Inc., et al., C.A. No. 4:05-3105

Richard Keene, etc. v. Frank M. DeLape, et al., C.A. No. 4:05-3441

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MDL-1742 -- In re Ortho Evra Products Liability Litigation

Motion of plaintiff Lydia M. Lilly for centralization of the following actions in the United States District Court for the District of New Jersey, or in the alternative, the United States District Court for the Eastern District of New York:

District of New Jersey

Lydia M. Lilly v. Johnson & Johnson, et al., C.A. No. 2:05-4313
Jessie M. D'Amato v. Johnson & Johnson, et al., C.A. No. 2:05-5241
Brian P. Leitheiser, etc. v. Johnson & Johnson, et al., C.A. No. 2:05-5413
Shannon Marie Stoedter v. Johnson & Johnson, et al., C.A. No. 2:05-5501
Jessica Debra Kingston v. Johnson & Johnson, et al., C.A. No. 2:05-5502

Eastern District of New York

Joan Petrella, et al. v. Ortho-McNeil Pharmacuetical, Inc., et al., C.A. No. 1:05-3953

Southern District of New York

Ellen Stewart, etc. v. Ortho-McNeil Pharmacuetical, Inc., et al., C.A. No. 1:05-7171

Western District of North Carolina

Melanie Coleman, et al. v. Johnson & Johnson, et al., C.A. No. 3:05-416

Northern District of Ohio

Demetria Ann Bernard v. Ortho-McNeil Pharmacuetical, Inc., C.A. No. 3:05-7146

Southern District of Ohio

Melisa Arbino v. Johnson & Johnson, et al., C.A. No. 1:05-534

Western District of Pennsylvania

Janet Weaver Reardon, et al. v. Johnson & Johnson, et al., C.A. No. 2:05-562

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MDL-1742 (Continued)

Western District of Texas

Rebecca Jane Wahlig v. Johnson & Johnson, et al., C.A. No. 1:05-860

Western District of Wisconsin

Michael Brown, et al. v. Johnson & Johnson, et al., C.A. No. 3:05-668

MDL-1743 -- In re American Family Mutual Insurance Co. Overtime Pay Litigation

Motion of plaintiff Rocky Baldozier, et al., for centralization of the following actions in the United States District Court for the District of Colorado:

District of Colorado

Rocky Baldozier, et al. v. American Family Mutual Insurance Co., C.A. No. 1:04-2174

Northern District of Illinois

Robert Schultz v. American Family Mutual Insurance Co., C.A. No. 1:04-5512

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SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Opposition of plaintiff Steven McAboy, etc., to transfer of the following action to the United States District Court for the Eastern District of Pennsylvania:

Western District of Washington

Steven McAboy, etc. v. IMO Industries, Inc., et al., C.A. No. 2:05-1241

MDL-1334 -- In re Managed Care Litigation

Opposition of plaintiff Paul S. Howard, M.D., to transfer of the following action to the United States District Court for the Southern District of Florida:

Northern District of Alabama

Paul S. Howard, M.D. v. Blue Cross & Blue Shield of Alabama, C.A. No. 2:05-1894

Oppositions of defendants Connecticut General Life Insurance Company; CIGNA Corporation; CIGNA Health Corporation; and Northwest Airlines, Inc., to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of New Jersey:

Southern District of Florida

Darlery Franco, et al. v. Connecticut General Life Insurance Co., et al.,
C.A. No. 1:04-23187 (D. New Jersey, C.A. No. 2:04-1318)

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MDL-1358 -- In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Opposition of plaintiffs Howard Graham, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Southern District of Illinois

Howard Graham, et al. v. Shell Oil Co., et al., C.A. No. 3:05-703

MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Opposition of plaintiff Victor Gomez to transfer of the following action to the United States District Court for the Western District of Washington:

Southern District of Texas

Victor Gomez v. Bayer Corp., et al., C.A. No. 7:05-311

MDL-1431 -- In re Baycol Products Liability Litigation

Oppositions of plaintiffs Decoro Nercy, Juana Acosta, Emilia Gomez, and Rodobaldo Naranjo to transfer of their respective following actions to the United States District Court for the District of Minnesota:

Southern District of Florida

Decoro Nercy v. Bayer Corp., C.A. No. 1:05-22458

Juana Acosta v. Bayer Corp., C.A. No. 1:05-22460

Emilia Gomez v. Bayer Corp., C.A. No. 1:05-22461

Rodobaldo Naranjo v. Bayer Corp., C.A. No. 1:05-22463

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MDL-1439 -- In re Farmers Insurance Exchange Claims Representatives' Overtime Pay
Litigation

Opposition of plaintiffs Kimberly Mackall, et al., to transfer of the following action to the
United States District Court for the District of Oregon:

Central District of California

Kimberly Mackall, et al. v. Farmers Insurance Exchange, C.A. No. 2:05-6059

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Opposition of plaintiff Westpac Banking Corporation to transfer of the following action
to the United States District Court for the Southern District of Texas:

Southern District of New York

Westpac Banking Corp. v. Citibank, N.A., C.A. No. 1:05-6939

MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

Opposition of plaintiffs The State of Texas, et al., to transfer of the following action to
the United States District Court for the District of Massachusetts:

Western District of Texas

The State of Texas, et al. v. Abbott Laboratories, Inc., et al., C.A. No. 1:05-897

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MDL-1487 -- In re WorldCom, Inc., Securities & "ERISA" Litigation

Opposition of plaintiffs John Payne, et al.; Joseph Blount, et al.; Helen M. Hughes, et al.; Bird Abell, et al.; Ray D. Pasco, et al.; Mary Ann Rack, et al.; and Melvin Andrews, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Middle District of Alabama

John Payne, et al. v. Citigroup, Inc., et al., C.A. No. 2:05-843

Southern District of Florida

Joseph Blount, et al. v. Citigroup, Inc., et al., C.A. No. 9:05-80826

Middle District of Georgia

Helen M. Hughes, et al. v. Citigroup, Inc., et al., C.A. No. 1:05-125

Bird Abell, et al. v. Citigroup, Inc., et al., C.A. No. 4:05-104

Northern District of Georgia

Ray D. Pasco, et al. v. Citigroup, Inc., et al., C.A. No. 1:05-2408

Mary Ann Rack, et al. v. Citigroup, Inc., et al., C.A. No. 1:05-2438

Melvin Andrews, et al. v. Citigroup, Inc., et al., C.A. No. 2:05-143

MDL-1507 -- In re Prempro Products Liability Litigation

Opposition of defendant Novo Nordisk Delivery Technologies, Inc., to transfer of the following action to the United States District Court for the Eastern District of Arkansas:

Central District of California

Ginger Uyechi, et al. v. Novo Nordisk Delivery Technologies, Inc., et al.,
C.A. No. 2:05-6963

Schedule of Matters for Hearing Session, Section B
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MDL-1532 -- In re New Motor Vehicles Canadian Export Antitrust Litigation

Opposition of plaintiffs Paul Melangagio, et al., to transfer of the following action to the United States District Court for the District of Maine:

District of Nebraska

Paul Melangagio, et al. v. General Motors Corp., et al., C.A. No. 8:05-451

MDL-1535 -- In re Welding Fume Products Liability Litigation

Opposition of plaintiffs James Carn, et al., to transfer of the following action to the United States District Court for the Northern District of Ohio:

Eastern District of Pennsylvania

James Carn, et al. v. BOC Group, Inc., et al., C.A. No. 2:05-4839

MDL-1566 -- In re Western States Wholesale Natural Gas Antitrust Litigation

Opposition of plaintiff Sinclair Oil Corporation to transfer of the following actions to the United States District Court for the District of Nevada:

Northern District of Oklahoma

Sinclair Oil Corp. v. E-Prime, Inc., et al., C.A. No. 4:05-435

District of Wyoming

Sinclair Oil Corp. v. OneOK Energy Services Co., LP, C.A. No. 1:05-254

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MDL-1574 -- In re Paxil Products Liability Litigation

Opposition of defendant GlaxoSmithKline to transfer of the following action to the United States District Court for the Central District of California:

District of District of Columbia

Amanda Paine, etc. v. GlaxoSmithKline, C.A. No. 1:05-574

MDL-1596 -- In re Zyprexa Products Liability Litigation

Oppositions of plaintiffs and defendants Janssen, L.P.; Dr. Julia Fax; Dr. Joseph Spalding; and Bristol-Myers Squibb Company to transfer of their respective following actions to the United States District Court for the Eastern District of New York:

Eastern District of Missouri

Charles Reynolds v. Eli Lilly & Co., et al., C.A. No. 1:05-173
Phyllis Edwards v. Eli Lilly & Co., et al., C.A. No. 1:05-174
Linda Faye Robinson v. Eli Lilly & Co., et al., C.A. No. 1:05-176
Barbara Province v. Eli Lilly & Co., et al., C.A. No. 1:05-187
Jennifer Morlan v. Eli Lilly & Co., et al., C.A. No. 1:05-189
Amanda Lilly & Eli Lilly & Co., et al., C.A. No. 1:05-190
Gilbert Sabala v. Eli Lilly & Co., et al., C.A. No. 2:05-65
William Anthony Ewing v. Eli Lilly & Co., et al., C.A. No. 2:05-66
Valarie A. Chazelle v. Eli Lilly & Co., et al., C.A. No. 4:05-1806
Patrick McDonald v. Eli Lilly & Co., et al., C.A. No. 4:05-1869
Donna Luther v. Eli Lilly & Co., et al., C.A. No. 4:05-1870
Gloria Black v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1921
Cindy Buck v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1922
Clifford Ferrin v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1923
Pamela Journey v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1924
Thomas McGee, etc. v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1925
Michelle McMahon v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1926
Brent Thomas v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1927
Reed Thompson v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1928
Tamila Watkins v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1930

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MDL-1596 (Continued)

Eastern District of Missouri (Continued)

James Keetch v. Janssen Pharmaceutica, L.P., et al., C.A. No. 4:05-1931
Shirley Helms v. Eli Lilly & Co., et al., C.A. No. 4:05-1936
Gloria Lothridge v. Eli Lilly & Co., et al., C.A. No. 4:05-1937
Joy Hufferd v. Eli Lilly & Co., et al., C.A. No. 4:05-1938

Western District of Missouri

Robert Henry v. Eli Lilly & Co., et al., C.A. No. 2:05-4317
Shirley Copeland v. Eli Lilly & Co., et al., C.A. No. 2:05-4318
Judy Laurence v. Eli Lilly & Co., et al., C.A. No. 2:05-4319
Lindell Schmidt v. Eli Lilly & Co., et al., C.A. No. 2:05-4320
Christina Quebedeaux v. Eli Lilly & Co., et al., C.A. No. 2:05-4326
Ronald Forbes v. Eli Lilly & Co., et al., C.A. No. 2:05-4331
Terri Finley v. Eli Lilly & Co., et al., C.A. No. 2:05-4332
Barbara Benton v. Eli Lilly & Co., et al., C.A. No. 2:05-4337
Rick Galati v. Eli Lilly & Co., et al., C.A. No. 2:05-4338
Cindy Karsch v. Eli Lilly & Co., et al., C.A. No. 2:05-4339
Scott Surface v. Eli Lilly & Co., et al., C.A. No. 2:05-4341
Gina M. Easley v. Eli Lilly & Co., et al., C.A. No. 3:05-5150
Gregory Bradley v. Eli Lilly & Co., et al., C.A. No. 4:05-932
Janice A. Johnson v. Eli Lilly & Co., et al., C.A. No. 4:05-960
Loretta Eads v. Eli Lilly & Co., et al., C.A. No. 4:05-987
Michelle Wolfe v. Eli Lilly & Co., et al., C.A. No. 4:05-990
Connie Stewart v. Eli Lilly & Co., et al., C.A. No. 6:05-3473
James Caffey v. Eli Lilly & Co., et al., C.A. No. 6:05-3474
Raymond Mincks v. Eli Lilly & Co., et al., C.A. No. 6:05-3485
Ron Lipe v. Eli Lilly & Co., et al., C.A. No. 6:05-3487
Bacil Warson v. Eli Lilly & Co., et al., C.A. No. 6:05-3488
Laura Davis v. Eli Lilly & Co., et al., C.A. No. 6:05-3490
Twila May Freeman v. Eli Lilly & Co., et al., C.A. No. 6:05-3504

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MDL-1596 (Continued)

Motion of defendant Eli Lilly & Company for transfer of the following action to the United States District of Court for the Eastern District of New York:

District of South Carolina

Roland Dowling v. Eli Lilly & Co., C.A. No. 2:05-2241

MDL-1604 -- In re Ocwen Federal Bank FSB Mortgage Servicing Litigation

Opposition of plaintiffs Gregory Pettaway, et al., to transfer of the following action to the United States District Court for the Northern District of Illinois:

Southern District of Alabama

Gregory Pettaway, et al. v. Deutsche Bank National Trust Co., C.A. No. 2:05-489

MDL-1629 -- In re Neurontin Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs Elmenia Johnson, etc.; Maria Aranda; and Jose Magdaleno Fonseca, et al., to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

Eastern District of Louisiana

Elmenia Johnson, etc. v. Pfizer, Inc., C.A. No. 2:05-3688

Southern District of Texas

Maria Aranda v. Pfizer, Inc., et al., C.A. No. 7:05-309

Jose Magdaleno Fonseca, et al. v. Pfizer, Inc., et al., C.A. No. 7:05-312

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MDL-1634 -- In re Peanut Crop Insurance Litigation

Motion of plaintiffs Texas Peanut Farmers, et al., for transfer of the following action to the United States District Court for the Eastern District of North Carolina:

Court of Federal Claims

Texas Peanut Farmers, et al. v. U.S.A., C.A. No. 1:03-445

MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs and defendants Dartmouth-Hitchcock Medical Center; Roshini Pinto Power, M.D.; Charles Carr, M.D.; Brigham & Women's Hospital; Dr. Peter J. Millet; Maya Varshney, M.D.; and Rajendrakumar I. Patel, M.D., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Middle District of Alabama

Theatus Rawdon Beaty v. Merck & Co., Inc., et al., C.A. No. 2:05-880

Southern District of Illinois

Elvin Elswick v. Merck & Co., Inc., et al., C.A. No. 3:05-645

Stanely McNulty v. Merck & Co., Inc., et al., C.A. No. 3:05-661

Gary Grizzell v. Merck & Co., Inc., et al., C.A. No. 4:05-4170

Eastern District of Kentucky

Ronald E. Smith, et al. v. Merck & Co., Inc., C.A. No. 3:05-68

James Parsons, et al. v. Merck & Co., Inc., C.A. No. 5:05-412

Gene Patterson, et al. v. Merck & Co., Inc., C.A. No. 5:05-413

Tresa Brady, et al. v. Merck & Co., Inc., et al., C.A. No. 5:05-423

Maudie F. Jones, et al. v. Merck & Co., Inc., C.A. No. 5:05-425

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MDL-1657 (Continued)

Eastern District of Kentucky (Continued)

Gerlene Stacy v. Merck & Co., Inc., C.A. No. 6:05-525
Bonnie Engle v. Merck & Co., Inc., C.A. No. 6:05-565
James T. Bevins, et al. v. Merck & Co., Inc., C.A. No. 7:05-317
James Howell, et al. v. Merck & Co., Inc., C.A. No. 7:05-330

Western District of Kentucky

Elvis Meadors v. Merck & Co., Inc., et al., C.A. No. 1:05-136
Harold Reiser v. Merck & Co., Inc., et al., C.A. No. 1:05-156
James W. Thompson, et al. v. Merck & Co., Inc., C.A. No. 3:05-549
Jerry W. Kinslow, et al. v. Merck & Co., Inc., C.A. No. 3:05-550
Carl D. Mahan, et al. v. Merck & Co., Inc., C.A. No. 3:05-565
Samuel Bain, et al. v. Merck & Co., Inc., C.A. No. 3:05-566
Wenceslaus Klimesh, et al. v. Merck & Co., Inc., C.A. No. 3:05-568
Glen Kelly v. Merck & Co., Inc., C.A. No. 3:05-569
Barry M. Kinslow v. Merck & Co., Inc., C.A. No. 3:05-570
Barbara A. Reeves, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-571
Betty Wooldridge, et al. v. Merck & Co., Inc., C.A. No. 3:05-572
Bernice Eversole, et al. v. Merck & Co., Inc., C.A. No. 3:05-573
Earl G. Crank, et al. v. Merck & Co., Inc., C.A. No. 3:05-581
Phillip Metcalf, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-582
Allen Dowell, et al. v. Merck & Co., Inc., C.A. No. 3:05-585
Lois Zoll v. Merck & Co., Inc., C.A. No. 3:05-586
Helen Dennison v. Merck & Co., Inc., C.A. No. 3:05-587
Lana Yaggie, et al. v. Merck & Co., Inc., C.A. No. 3:05-588
Kim Young, et al. v. Merck & Co., Inc., C.A. No. 3:05-589
William E. Garrett, et al. v. Merck & Co., Inc., C.A. No. 3:05-590
William M. Adams, Jr., et al. v. Merck & Co., Inc., C.A. No. 3:05-591
Linda Howard, et al. v. Merck & Co., Inc., C.A. No. 3:05-592
Richard Wigginton, et al. v. Merck & Co., Inc., C.A. No. 3:05-593
Sharon McDonald v. Merck & Co., Inc., et al., C.A. No. 3:05-595
Dennie Miller, et al. v. Merck & Co., Inc., C.A. No. 3:05-600
David G. Thomas v. Merck & Co., Inc., C.A. No. 3:05-601
George R. Hubbard, et al. v. Merck & Co., Inc., C.A. No. 3:05-602

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MDL-1657 (Continued)

Western District of Kentucky (Continued)

Joseph E. Newton, et al. v. Merck & Co., Inc., C.A. No. 3:05-603
Elmer Smith, et al. v. Merck & Co., Inc., C.A. No. 3:05-605
Violet Bailey, et al. v. Merck & Co., Inc., C.A. No. 3:05-606
Joyce Skillman v. Merck & Co., Inc., C.A. No. 3:05-607
Charles Ball, et al. v. Merck & Co., Inc., C.A. No. 3:05-608
Lucky Daniels, et al. v. Merck & Co., Inc., C.A. No. 3:05-609
Lovell S. Cottrell, et al. v. Merck & Co., Inc., C.A. No. 3:05-610
Charles Orange, et al. v. Merck & Co., Inc., C.A. No. 3:05-615
Earl J. Estep, et al. v. Merck & Co., Inc., C.A. No. 3:05-616
Michael T. Mooney, et al. v. Merck & Co., Inc., C.A. No. 3:05-617
Juanita King v. Merck & Co., Inc., C.A. No. 3:05-618
Marjorie Staten, et al. v. Merck & Co., Inc., C.A. No. 3:05-619
Bernard Griffin, et al. v. Merck & Co., Inc., C.A. No. 3:05-620
Anthony Long, etc. v. Merck & Co., Inc., C.A. No. 3:05-621
Cleo D. Gilbert, et al. v. Merck & Co., Inc., C.A. No. 3:05-622
Vanessa Wisenbaler v. Merck & Co., Inc., C.A. No. 3:05-626
Charles Nantz, et al. v. Merck & Co., Inc., C.A. No. 3:05-627
Annie Hendrix v. Merck & Co., Inc., C.A. No. 3:05-628
Carolyn A. Ward v. Merck & Co., Inc., C.A. No. 3:05-629
William E. Kaufman, et al. v. Merck & Co., Inc., C.A. No. 3:05-630
Donna C. Russel, et al. v. Merck & Co., Inc., C.A. No. 3:05-631
Delbert Rakes, et al. v. Merck & Co., Inc., C.A. No. 3:05-632
Timmy Glass, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-646

District of Massachusetts

Kathleen Martin v. Merck & Co., Inc., et al., C.A. No. 1:05-11716

Eastern District of Missouri

Michael Elder, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1268
Nina Cook, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1272
George Likins, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1273
Tyrone Dawson, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1291

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MDL-1657 (Continued)

Eastern District of Missouri (Continued)

Evelyn Light, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1463
Fulton Lacy, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1465
Roberta Sterling, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1466
Betty Jean Gant et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1490
Jane Latham, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1491
Jefferson Euell, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1497
Barbara Gustin, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1514
Martin Zide, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1520
Ginger Hugo, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-1557

Western District of Missouri

Jimmie Collins v. Merck & Co., Inc., et al., C.A. No. 3:05-5142

Southern District of New York

Douglas A. Spalter, et al. v. Merck & Co., Inc., et al., C.A. No. 1:05-7301

Western District of New York

Brian North v. Merck & Co., Inc., et al., C.A. No. 6:05-6475

Eastern District of Tennessee

James E. Queen, et al. v. Merck & Co., Inc., C.A. No. 1:05-283

Western District of Texas

Sulema L. Banda, et al. v. Merck & Co., Inc., et al., C.A. No. 5:05-950

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MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation
MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability
Litigation

Oppositions of plaintiffs Jackie Collins and Gracie Blount and defendants Gene L. Watterson, M.D.; Joseph Singleton, M.D.; Nellie Casandra Comer, M.D.; and Wallace Purdy, M.D., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana in MDL-1657 and to the United States District Court for the Northern District of California in MDL-1699:

Northern District of Alabama

Juanell Y. McBrayer Wilkes, et al. v Merck & Co., Inc., et al., C.A. No. 2:05-1214

Southern District of Illinois

Jackie Collins v. Merck & Co., Inc., et al., C.A. No. 3:05-451

Gracie Blount v. Merck & Co., Inc., et al., C.A. No. 3:05-673

MDL-1658 -- In re Merck & Co., Inc., Securities, Derivative & "ERISA" Litigation

Opposition of plaintiff State of Oregon, etc., to transfer of the following action to the United States District Court for the District of New Jersey:

District of Oregon

State of Oregon, etc. v. Merck & Co., Inc., et al., C.A. No. 3:05-1463

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MDL-1663 -- In re Insurance Brokerage Antitrust Litigation

Oppositions of plaintiff Bensley Construction, Inc., and defendants Liberty Mutual Group, Inc.; Liberty Mutual Insurance Company; Liberty Mutual Fire Insurance Company; Employers Insurance Company of Wausau; and St. James Insurance Company, Ltd., to transfer of the following action to the United States District Court for the District of New Jersey:

District of Massachusetts

Bensley Construction, Inc. v. Marsh & McLennan Companies, Inc., et al.,
C.A. No. 1:05-11249

MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Northern District of California:

Middle District of Alabama

Katie Thomas v. Pfizer, Inc., et al., C.A. No. 2:05-824
Rosa M. Nelson v. Pfizer, Inc., et al., C.A. No. 2:05-832
Ozzie Jackson v. Pfizer, Inc., et al., C.A. No. 2:05-841
William Randolph Hall, Sr., etc. v. Pfizer, Inc., et al., C.A. No. 2:05-941

Western District of Kentucky

Roger G. Ewing v. Pfizer, Inc., C.A. No. 3:05-598

Eastern District of Louisiana

Raymond Audler, et al. v. Pfizer, Inc., et al., C.A. No. 2:05-2436

Western District of Louisiana

Gayle Swilley, et al. v. Pfizer, Inc., C.A. No. 1:05-761

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MDL-1699 (Continued)

Eastern District of Missouri

Vern Bowers v. Pfizer, Inc., et al., C.A. No. 4:05-1302
Edward Vitt v. Pfizer, Inc., et al., C.A. No. 4:05-1303
Georgette Asbury v. Pharmacia Corp., et al., C.A. No. 4:05-1602
Brenda Bryan v. Monsanto Co., et al., C.A. No. 4:05-1603
Frances D. Bangs v. Pharmacia Corp., et al., C.A. No. 4:05-1604
J.C. Bunch v. Pharmacia Corp., et al., C.A. No. 4:05-1605
Kathy Dimick v. Pharmacia Corp., et al., C.A. No. 4:05-1606
Marla Harper v. Monsanto Co., et al., C.A. No. 4:05-1607
Beverly Mitchell v. Monsanto Co., et al., C.A. No. 4:05-1608
Sonja Mooberry v. Monsanto Co., et al., C.A. No. 4:05-1609
Helen Zdrakovich v. Pfizer, Inc., et al., C.A. No. 4:05-1610
Jewell Allen v. Pfizer, Inc., et al., C.A. No. 4:05-1611
John Beaber v. Pfizer, Inc., et al., C.A. No. 4:05-1612
Leonard Berry v. Pfizer, Inc., et al., C.A. No. 4:05-1613
Rogelio Caldera v. Pfizer, Inc., et al., C.A. No. 4:05-1614
Sybil Ball v. Monsanto Co., et al., C.A. No. 4:05-1615
Henry Cooper v. Pfizer, Inc., et al., C.A. No. 4:05-1617
Eugene Clervi v. Pfizer, Inc., et al., C.A. No. 4:05-1619
Alberta Cox v. Pfizer, Inc., et al., C.A. No. 4:05-1620
Linda Douglas v. Pfizer, Inc., et al., C.A. No. 4:05-1621
Robert Gordon v. Pfizer, Inc., et al., C.A. No. 4:05-1622
Betty Jo Green v. Pfizer, Inc., et al., C.A. No. 4:05-1623
Hazel Humphrey v. Pfizer, Inc., et al., C.A. No. 4:05-1624
Rudean Hurt v. Pfizer, Inc., et al., C.A. No. 4:05-1625
Robert Kraemer v. Pfizer, Inc., et al., C.A. No. 4:05-1626
Brenda Mahone v. Pfizer, Inc., et al., C.A. No. 4:05-1627
Leonard Mask v. Pfizer, Inc., et al., C.A. No. 4:05-1628
Dolores McNearney v. Pfizer, Inc., et al., C.A. No. 4:05-1629
Daniel Moser v. Pfizer, Inc., et al., C.A. No. 4:05-1630
Dolly Peterson v. Pfizer, Inc., et al., C.A. No. 4:05-1631
Lilly Pierce v. Pfizer, Inc., et al., C.A. No. 4:05-1632
Timothy Tarpley v. Pfizer, Inc., et al., C.A. No. 4:05-1633
William Washington v. Pfizer, Inc., et al., C.A. No. 4:05-1634
Helen Webb v. Pfizer, Inc., et al., C.A. No. 4:05-1635

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MDL-1699 (Continued)

Eastern District of Missouri (Continued)

Raymond Winn v. Pfizer, Inc., et al., C.A. No. 4:05-1636
Jack Backowski v. Monsanto Co., et al., C.A. No. 4:05-1637
Sandy Jeffers v. Monsanto Co., et al., C.A. No. 4:05-1638
Billy Tarlton Lafoon, Jr. v. Pharmacia Corp., et al., C.A. No. 4:05-1639
Patty Welch v. Pfizer, Inc., et al., C.A. No. 4:05-1640
Teresa Whitledge v. G.D. Searle, LLC, et al., C.A. No. 4:05-1641
Donna Alubur v. Monsanto Co., et al., C.A. No. 4:05-1642
Sharlene Border v. Monsanto Co., et al., C.A. No. 4:05-1643
Charles Bruun v. G.D. Searle, LLC, et al., C.A. No. 4:05-1644
Tireta Johnson v. Monsanto Co., et al., C.A. No. 4:05-1645
Tina McCoy v. Monsanto Co., et al., C.A. No. 4:05-1646
Evelina Anderson, et al. v. Monsanto Co., et al., C.A. No. 4:05-1647
Deborah Caywood, et al. v. Monsanto Co., et al., C.A. No. 4:05-1648
Don Stobbe v. Monsanto Co., et al., C.A. No. 4:05-1649
Stephanie Shearer v. Monsanto Co., et al., C.A. No. 4:05-1650
John Cogle v. Monsanto Co., et al., C.A. No. 4:05-1651
Thomas DeVault v. Monsanto Co., et al., C.A. No. 4:05-1652
James Dougan v. Monsanto Co., et al., C.A. No. 4:05-1653
Margaret Hamilton v. Monsanto Co., et al., C.A. No. 4:05-1654
Wanda Newport v. Monsanto Co., et al., C.A. No. 4:05-1655
Phyllis Taylor v. Monsanto Co., et al., C.A. No. 4:05-1656
Thomas Nolan v. Monsanto Co., et al., C.A. No. 4:05-1657
Barbara Singleton v. Monsanto Co., et al., C.A. No. 4:05-1658
Judy McRoberts v. Pfizer, Inc., et al., C.A. No. 4:05-1659
Carol Snowbarger v. Monsanto Co., et al., C.A. No. 4:05-1660
William Stutz v. Monsanto Co., et al., C.A. No. 4:05-1661
Margaret White v. Monsanto Co., et al., C.A. No. 4:05-1662
Edward Wilt v. Monsanto Co., et al., C.A. No. 4:05-1663
Ardella Heckman v. Monsanto Co., et al., C.A. No. 4:05-1664

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MDL-1718 -- In re Ford Motor Co. Speed Control Deactivation Switch Products Liability
Litigation

Opposition of plaintiff Rick R. Williams to transfer of the following action to the United States District Court for the Eastern District of Michigan:

Southern District of Illinois

Rick R. Williams v. Ford Motor Co., Inc., et al., C.A. No. 3:05-647

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

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(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BENSLEY CONSTRUCTION, INC.
on its own behalf and on behalf of all others similarly
situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES, INC.,
MARSH, INC., ACE USA, ACE INA, AMERICAN
INTERNATIONAL GROUP, AMERICAN
REINSURANCE COMPANY, ARTHUR J.
GALLAGHER & CO., HILB ROGAL & HOBBS,
COMPANY, WILLIS GROUP HOLDINGS, LTD.,
WILLIS NORTH AMERICA INC., WILLIS GROUP
LTD., UNIVERSAL LIFE RESOURCES,
UNIVERSAL LIFE RESOURCES, INC. (d/b/a ULR
INSURANCE SERVICES, INC.), THE CHUBB
CORPORATION, USI HOLDINGS, INC., METLIFE,
INC., PRUDENTIAL FINANCIAL, INC.,
UNUMPROVIDENT CORPORATION, THE ST.
PAUL TRAVELERS COMPANIES, INC., ZURICH
AMERICAN INSURANCE COMPANY, LIBERTY
MUTUAL GROUP INC., LIBERTY MUTUAL
INSURANCE COMPANY, LIBERTY MUTUAL
FIRE INSURANCE COMPANY, EMPLOYERS
INSURANCE COMPANY OF WAUSAU, and ST.
JAMES INSURANCE COMPANY LTD.,

Defendants.

Civil Action No. 05 11249 GAO

NOTICE OF JPML SCHEDULING ORDER

Defendants Marsh & McLennan Companies, Inc. and Marsh, Inc. (collectively "Marsh") hereby file this Notice of JPML Scheduling Order in the above captioned matter.

On December 15, 2005, the Judicial Panel on Multidistrict Litigation (the "Panel") issued a Hearing Session Order for January 26, 2006 (the "Order"). The Order sets forth, inter alia, that the Panel will consider, without oral argument, the

issuance of a final transfer order in above captioned matter. A copy of the Hearing Session Order is attached as Exhibit 1 to this Notice. The above captioned matter is referenced at numbered page 25 of the attached Exhibit 1.

DATED: December 19, 2005

Respectfully Submitted by,

Marsh & McLennan Companies, Inc.
Marsh Inc.,

By their attorneys,

/s/ Joshua Vitullo
Daniel S. Savrin BBO #555434
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